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Fresno, California

June 25, 2002

The City Council met in regular session at the hour of 8:33 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Acting President
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Henry Perea	Council President

Absent:	Dan Ronquillo	Councilmember
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Dan Hobbs, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Reverend Natalie Hodgson, Retired, United Christian Church, gave the invocation, and Nereida Valencia led the Pledge of Allegiance to the Flag.

PRESENTATION OF LATENT PRINT AWARDS

(ADD-ON) PROCLAMATION OF NEREIDA VALENCIA DAY - COUNCILMEMBER QUINTERO

PROCLAMATION OF MIKE'S PIZZERIA DAY - COUNCILMEMBER BOYAJIAN

RESOLUTIONS OF COMMENDATION TO FIRE CAPTAIN DONALD OCKEY, FIRE CAPTAIN STEVE RAUCH, FIREFIGHTER SPECIALIST ADRIANE BLANKENSHIP, AND FIREFIGHTER TIMOTHY SAITO - COUNCILMEMBER RONQUILLO

The above awards, proclamation and resolutions were read and presented.

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The City Council recessed at 9:01 a.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF JUNE 18, 2002

Laid over to next Agency meeting.

(2:00 P.M. #2) CONSIDER APPROVAL OF A POCKET PARK DEMONSTRATION PROJECT IN THE SOUTHWEST FRESNO REDEVELOPMENT PROJECT AREA (*JOINT ACTION*) AND ASSOCIATED APPROPRIATION TRANSFER RESOLUTION (*COUNCIL ACTION*)

President Perea advised the matter would be heard at 3:00 p.m. at the request of Mayor Autry.

Councilmember Calhoun questioned why the joint Council/Agency meeting was split and being held in the morning and afternoon stating he preferred and felt the entire meeting should be held at one scheduled time.

(“A”) HEARING REGARDING THE POTENTIAL ACQUISITION AND DISPOSITION OF A SITE BOUND BY TUOLUMNE, BROADWAY, “H” STREET AND THE MERCED MALL IN THE CBD AREA AND ITS DEVELOPMENT WITH A MULTI-LEVEL OFFICE BUILDING AND ASSOCIATED PARKING STRUCTURE

1. JOINT RESOLUTION NO. 2002-221/1607 - APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE AGENCY AND THE UNITED STATES GENERAL SERVICES ADMINISTRATION, AND MAKING CERTAIN FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, AND FINDINGS PURSUANT TO THE HEALTH & SAFETY CODE

2. COUNCIL RESOLUTION NO. 2002-222 - APPROVING THE CONVEYANCE OF CITY-OWNED PARCELS (APNS 466-206-18T, 20T & 21T) BY GRANT DEEDS TO THE AGENCY PURSUANT TO THE HEALTH & SAFETY CODE

3. AGENCY RESOLUTION NO. 1608 - AUTHORIZING THE AGENCY TO ACCEPT THE CITY GRANT DEEDS CONVEYING TO THE AGENCY ALL RIGHTS, TITLE AND INTEREST IN AND TO PARCELS OF PROPERTY BOUND BY TUOLUMNE, MERCED AND “H” STREETS AND THE BROADWAY PLAZA, OF THE CITY-OWNED PARCELS

4. APPROVE AN INDEMNITY AGREEMENT BETWEEN THE AGENCY AND FIDELITY NATIONAL TITLE COMPANY REGARDING TITLE INSURANCE AND TITLE TO CERTAIN SITE PARCELS (*AGENCY ACTION*)

5. AUTHORIZE THE CITY MANAGER OR DESIGNEE, THE AGENCY EXECUTIVE DIRECTOR OR DESIGNEE, AND THE REDEVELOPMENT ADMINISTRATOR TO TAKE CERTAIN ACTIONS AND TO EXECUTE SUCH DOCUMENTS INCLUDING NEGOTIATING AND EXECUTING ANY AGREEMENTS AND INSTRUMENTS THAT MAY BE NECESSARY TO FINALIZE OR CARRY OUT THE INTENTS AND PURPOSES OF THE AGENCY AND/OR COUNCIL (*AGENCY AND COUNCIL ACTION*)

Chair Duncan announced the time had arrived to consider the issue and opened the hearing.

Director Fitzpatrick noted the issue had been before the joint bodies a number of times and gave a brief overview of the issue as contained in the staff report as submitted and recommended approval. Acting President Castillo left the meeting at 9:10 a.m.

Barbara Hunt, 2475 S. Walnut, spoke to the issue of developer selection and process.

Upon call, no one else wished to be heard and Chair Duncan closed the hearing.

Councilmember Calhoun spoke in support of the project stating it was exciting and good for the blighted area and made a motion to approve staff's recommendation.

On motion of Councilmember Calhoun, seconded by Chair Duncan, duly carried, RESOLVED, the above entitled Joint Resolution No. 2002-221/1607, Council Resolution No. 2002-22, and Agency Resolution No. 1608 hereby adopted; the Indemnity Agreement between the Redevelopment Agency and Fidelity National Title Company approved; and the City Manager/Designee and the Agency Executive Director or Redevelopment Administrator authorized to take such actions and execute all documents that may be necessary to finalize or carry out the intents and purposes of the Agency and/or City Council, by the following vote:

Ayes	:	Boyajian, Calhoun, Quintero, Perea, Duncan
Noes	:	None
Absent	:	Castillo, Ronquillo

(“B”) ADOPT RESOLUTION OF INTENTION NO. 1028-D TO VACATE BROADWAY PLAZA, THE BROADWAY DIAGONAL, THE BROADWAY-“H” ALLEY, AND THE BROADWAY DIAGONAL REVERSAL IN THE AREA BOUND BY “H”, MERCED, FULTON AND TUOLUMNE STREETS

Briefly reviewed by Director Fitzpatrick who requested approval to set the hearing.

On motion of Councilmember Calhoun, seconded by Chair Duncan, duly carried, RESOLVED, the above entitled Resolution of Intention No. 1028-D hereby adopted and the required public hearing set for July 16, 2002, at 10:15 a.m., by the following vote:

Ayes	:	Boyajian, Calhoun, Quintero, Perea, Duncan
Noes	:	None
Absent	:	Castillo, Ronquillo

(“C”) WYNDHAM HOTEL - STATUS REPORT AND REQUEST FOR DIRECTION REGARDING AN EXTENSION/STANDSTILL AGREEMENT WITH ALGEN HOTEL DEVELOPMENT, LLC

Director Fitzpatrick reviewed the issue as contained in the staff report as submitted and recommended a standstill agreement be entered into with a September 30th deadline to satisfy OPA conditions. Acting President Castillo returned to the meeting at 9:15 a.m.

Barbara Hunt, 2475 S. Walnut, spoke in support,

Mr. Fitzpatrick and City Attorney Montoy responded to questions of Councilmember Calhoun relative to whether the agreement and conditions would be exactly the same and if the September 30th deadline needed to be included in the motion. A motion and second was made to approve alternative #2 with a September 30th deadline. Mr. Fitzpatrick responded to questions of Councilmember Quintero relative to whether the extension, if approved, would preclude negotiations with another hotel/firm **(2 - 0)**. Chair Duncan spoke briefly in support of the extension and standstill agreement.

On motion of Councilmember Calhoun, seconded by Chair Duncan, duly carried, RESOLVED, Agency and City staff directed to negotiate and enter a Standstill Agreement (Alternative #2 of the staff report) with an extension, under the same terms and conditions, to September 30, 2002, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Perea, Quintero, Duncan
Noes : None
Absent : Ronquillo

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The joint bodies recessed to 3:00 p.m. and the City Council reconvened in regular session at 9:22 a.m.

APPROVE COUNCIL MINUTES OF JUNE 18, 2002

Laid over to July 16, 2002.

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APPROVE AGENDA:

REQUEST FOR REPORT ON RED LIGHT PROGRAM REVENUES ON JULY 16, 2002 - COUNCILMEMBER CALHOUN

Request made.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, the **AGENDA** hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Castillo, Perea, Quintero, Duncan
Noes : None
Absent : Ronquillo

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REQUEST FOR TRAY MEMO ON P.G. & E.'s PROPOSED \$30 MILLION FACILITY AND NEED TO DEAL WITH ISSUES ENCOUNTERED AT CITY HALL - PRESIDENT PEREA

Request made with Economic Development Manager Burkhardt responding and stating issues had been dealt with, commented on the project, related issues, and role of the Historic Preservation Commission, and stated Council would be kept informed.

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ADOPT CONSENT CALENDAR:

(1-G) RESOLUTION - APPROVING FINAL MAP OF TRACT NO. 5051 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PROPERTY LOCATED ON THE WEST SIDE OF N. POLK BETWEEN W. OLIVE AND W. MCKINLEY AVENUES

1. * RESOLUTION - 106TH AMENDMENT TO AAR 01-200 APPROPRIATING \$55,500 FOR RIGHT-OF-WAY PURCHASE ON TRACT NO. 5051 (ALONG W. FLORADORA AND OLIVE AVENUES)

City Clerk Klisch advised a request had been received to continue the issue to the next meeting, brief discussion ensued on whether to act on the request at this time, and by Council consensus the item was removed from the consent calendar to consider the request to continue under contested consent matters at 2:15 pm.

(1-C) APPROVE REPLACEMENT OF THREE PREVIOUSLY SUBMITTED DEVELOPABLE SITES WITH TWO NEWLY RECONFIGURED DEVELOPABLE SITES FOR DESIGNATION UNDER ROUND III OF THE FEDERAL EMPOWERMENT ZONE PROGRAM (A THIRD DEVELOPABLE SITE WILL BE BROUGHT BACK TO COUNCIL FOR REVIEW WITHIN THE NEAR FUTURE); AND AUTHORIZE THE CITY MANAGER TO SIGN ALL IMPLEMENTATION DOCUMENTS AS REQUIRED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

(1-D) APPROVE AGREEMENT WITH LOOMIS, FARGO & CO., FOR ARMORED TRANSPORT SERVICES, AND AUTHORIZE THE CONTROLLER TO EXECUTE THE CONTRACT

1. RESOLUTION NO. 2002-223 - AUTHORIZING THE CONTROLLER TO EXECUTE THE CONTRACT WITH LOOMIS, FARGO & CO.

(1-F) RESOLUTION NO. 2002-224 - APPROVING THE SUBMISSION OF AN APPLICATION TO THE U.S. DEPARTMENT OF JUSTICE OFFICE OF COMMUNITY ORIENTED POLICING SERVICES (COPS) FOR THE COPS TECHNOLOGY INITIATIVE COMPUTER UPGRADE AND SPECIFIC PROJECT GRANTS AND AUTHORIZING THE EXECUTION OF ANY RELATED DOCUMENTS

(1-I) APPROVE THE ACQUISITION OF STREET EASEMENTS FROM 1550 N. PEACH AVENUE, LLC, (APN 455-201-30) AT THE APPRAISED VALUE OF \$2,700, AND FROM PEACHTREE PARTNERS (APNs 455-271-01S AND 455-272-01S) AT THE APPRAISED VALUE PRICE OF \$5,000; ACCEPT THE DEEDS OF EASEMENT FOR THE RIGHT OF WAY; AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE PURCHASE AND SALE AGREEMENTS AND OTHER DOCUMENTS NECESSARY TO COMPLETE THE PURCHASE THROUGH ESCROW UPON FINAL CITY ATTORNEY APPROVAL OF THE DOCUMENTS

(1-J) RESOLUTION NO. 2002-226 - DEDICATING CERTAIN CITY-OWNED PROPERTY FOR PUBLIC STREET PURPOSES, PUBLIC PEDESTRIAN WALKWAY PURPOSES, AND SANITARY SEWER MAIN PURPOSES AT THE DOWNTOWN MULTIPURPOSE STADIUM

(1-K) GRANTING A TEMPORARY CONSTRUCTION EASEMENT TO CALTRANS TO ALLOW CALTRANS TO ENTER UPON THE CITY OWNED SUGAR PINE TRAIL AT FREEWAY 41 FOR THE PURPOSES OF WIDENING THE FRIANT AVENUE OFF RAMP FOR THE SUM OF \$20,500, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE APPROPRIATE DOCUMENTS INCLUDING A RIGHT OF WAY CONTRACT AND EASEMENT DEED

(1-M) APPROVE AMENDMENT TO THE AGREEMENT WITH LARS ANDERSEN AND ASSOCIATES, INC., FOR THE HIDALGO NEIGHBORHOOD AREA PHASE 3 STREET IMPROVEMENTS GENERALLY BOUND BY FIRST STREET, BELMONT AVENUE, FISHER AND FREEWAY 180; AND AUTHORIZE THE CITY MANAGER TO SIGN THE AMENDMENT ON BEHALF OF THE CITY

(1-N) APPROVE AGREEMENT NO. 1135(G)-BV-5 WITH THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT (FMFCD) TO RECEIVE REIMBURSEMENT FOR STREET IMPROVEMENTS TO ALLEVIATE A SAFETY HAZARD, AND GRANT THE PUBLIC WORKS DIRECTOR AUTHORITY TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

(1-O) APPROVE EXTENDED MAINTENANCE AGREEMENT WITH SIEMENS TRANSPORTATION SYSTEMS, INC., FOR THE ANNUAL MAINTENANCE AND SUPPORT OF THE DEPARTMENT'S RADIO COMMUNICATION/DISPATCH SYSTEM IN THE AMOUNT OF \$85,523, AND AUTHORIZE THE TRANSIT GENERAL MANAGER TO EXECUTE ALL NECESSARY CONTRACT DOCUMENTS ON BEHALF OF THE CITY

(1-P) APPROVE TEMPORARY USE PERMIT EXTENSION NO. 1 BETWEEN THE AIRPORTS DEPARTMENT AND POLICE DEPARTMENT TO OCCUPY PORTIONS OF THE AIRPORTS ADMINISTRATION BUILDING; AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE SAME ON BEHALF OF THE CITY

(1-Q) APPROVE APPOINTMENT OF BLANCA PELAYO TO THE FULTON-LOWELL SPECIFIC PLAN IMPLEMENTATION COMMITTEE - COUNCILMEMBER RONQUILLO

(1-R) ADOPT THE REVISED NONDISPOSAL FACILITY ELEMENT, AND AUTHORIZE THE PUBLIC UTILITIES DIRECTOR OR DESIGNEE TO SUBMIT THE REVISED ELEMENT TO THE CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD (CIWMB) FOR REVIEW AND APPROVAL

(1-S) APPROVE APPOINTMENT OF MIKE SAVAGE TO THE CIVIL SERVICE BOARD -MAYOR AUTRY

On motion of Acting President Castillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

(1-H) **RESOLUTION NO. 2002-225** - DEDICATING CERTAIN CITY-OWNED PROPERTY AT DIVISADERO AND FRESNO STREETS FOR PUBLIC STREET PURPOSES - REGIONAL MEDICAL CENTER PROJECT AREA

Councilmember Calhoun recused himself from the vote due to a potential conflict of interest.

On motion of Acting President Castillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2002-225 hereby adopted, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo
Recused	:	Calhoun

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(9:30 A.M.) AWARD CONTRACT FOR THE FRESNO YOSEMITE INTERNATIONAL AIRPORT FOOD AND BEVERAGE CONCESSIONS, AND NEWS/GIFT/RETAIL CONCESSIONS (REQUEST FOR PROPOSALS (RFP) RELEASED 4/16/02) (RECONSIDERATION/ADDITIONAL ACTION TAKEN LATER IN THE MEETING)

Interim Transportation Director Esquivel gave a brief overview of the two contracts at issue; stated both proposals combined were going to be a world class operation for FYI and the envy of many comparably sized airports and explained; introduced consultant, company, airline and RFP citizens group officials and representatives in attendance stating they were available to answer any questions; and continued his review of the issue as contained in the staff report as submitted, including past experience/projects of the recommended proposers and specifics of their proposals, displaying renderings of the proposed facilities in the existing and new concourse.

Gerard Bernier of Hudson Group, and Richard Brandt of Anton Foods, gave an overview of their respective companies and their proposals, and spoke in support of staff's recommendation.

Deputy Mayor Montero, on behalf of the Mayor, commended staff and spoke in support of awarding the contracts to Hudson and Anton as recommended.

Jeff Asberry of American Airlines, and Tim Convoy, Airport Rotary Club and representative of the citizens group that reviewed the proposals, both spoke in support of staff's recommendation.

Speaking to various issues including support for staff's recommendation, local preference, retaining current employees, offering a 90-day probationary period to current employees, and using DBE's were: Barbara Hunt, 2475 S. Walnut; Douglas Low, Owner, Doug-Out Cookies, 7450 N. Fresno Street; Art Fernandes, 280 N. Van Ness, representing Hotel and Restaurant Employees Union; Phillip Stroud, 4713 E. Normal; David Spaur, EDC President, 906 N Street; Stebbins Dean, CEO, Chamber of Commerce, 2331 Fresno Street; and Vickey Myers, 44579 Riverbend Ct., Ahwahnee, CA.

Mr. Esquivel responded to speakers' questions relative to local preference and retaining existing employees stating local vendors would be used and the companies were willing to interview existing employees and allow them to compete for jobs. Lengthy discussion ensued with Mr. Brandt, Mr. Bernier, Mr. Esquivel, Mr. Fernandes and City Attorney Montoy clarifying issues and/or responding to comments and/or questions of Acting President Castillo and Councilmember Duncan relative to interest in current employees retaining their jobs **(3 - 0)**, hope that a 90-day probation period would be considered, local preference, reasons why some existing employees in past projects were not hired, if current employees had gone through the Department of Justice (DOJ) system, suggestion that employees not DOJ cleared go down and be cleared in anticipation of employment, ability for the City to require an interview but not require retention, Acting President Castillo stating he would not support staff's recommendation without a commitment on retention, the workforce being tripled with the new projects, and companies looking for experienced workers and experienced workers being critical to their success. Councilmember Duncan stated he was impressed with the companies' investment to the community and airport, relative to job retention stated that was not an appropriate issue, and made a motion to approve staff's recommendation, which motion was seconded and later acted upon.

Extensive discussion continued with Mr. Esquivel, Mr. Stroud, Mr. Bernier, Mr. Brandt, Ms. Montoy and City Manager Hobbs clarifying issues and/or responding to questions and/or comments of Councilmember Calhoun, Acting President Castillo, Councilmembers Quintero and Boyajian, and President Perea relative to security/how "meeters and greeters" would be handled/if they would be able to patronize the businesses, the 800,000 enplanement threshold and competition, Acting President Castillo stating if the workforce was going to be tripled it should be easier for the

companies to make a commitment on retention, how long Mr. Stroud had been employed and if he had any problem with interviewing, number of existing employees that would be affected, request that the companies talk with Mr. Low and Mr. Fernandes since they are not willing to make commitments, the companies' hiring provisions, if the companies were used to dealing with larger airports, advantage of hiring current employees, importance of local preference, if contracts had already been entered into, if the terms of the contract were the same as those with the convention center relative to local preference, local preference already included in the RFP and contract, if approval could be conditioned upon inclusion of local preference, contract monitoring process, definition of "best efforts", conditioning local preference, retention and DBE's, continuing the matter to address Council's concerns, impact of a three week delay, Councilmember Calhoun encouraging Council to act this date and not delay on the question of some "iffys" **(4 - 0)**, and President Perea stating some good points had been raised, Council had not seen a contract, he felt a greater commitment from the companies on local vendors was needed, and he supported delaying action and taking the time to do it right and if necessary call a special meeting to act on the matter.

A motion of Councilmember Duncan, seconded by Councilmember Calhoun, to award a contract to Anton Airfood to provide Food and Beverage Services for FYI, and award a contract to Hudson News to provide Gift and News Services failed, by the following vote:

Ayes	:	Calhoun, Duncan
Noes	:	Boyajian, Castillo, Quintero, Perea
Absent	:	Ronquillo

President Perea stated the issues were not that difficult or challenging and some just needed "tweaking" whereupon determination was made for staff and the concessionaires to meet hereafter, discuss Council's concerns, and bring the issue back later in the meeting if resolution is reached. *(Further action was taken later in the meeting.)*

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(10:00 A.M.) HEARING ON COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 37 FOR TRACT NO. 4903

- 1. RESOLUTION NO. 2002-237 - ANNEXING TERRITORY TO CFD NO. 2 AND AUTHORIZING THE LEVY OF A SPECIAL TAX**
- 2. RESOLUTION NO. 2002-238 - CALLING SPECIAL MAILED-BALLOT ELECTION**
- 3. RESOLUTION NO. 2002-239 - DECLARING ELECTION RESULTS**
- 4. * BILL NO. B-36 - ORDINANCE NO. 2002-35 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2002-2003 AND FUTURE TAX YEARS WITHIN AND RELATING TO CFD NO. 2, ANNEXATION NO. 3**

President Perea announced the time had arrived to consider the issue, opened the hearing, and a motion and second was made to approve staff's recommendation.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Acting President Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution Nos. 2002-237, 2002-238 and 2002-239 hereby adopted, and the above entitled Bill No. B-36 adopted as Ordinance No. 2002-35, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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(10:30 A.M. #1) DIRECT STAFF TO EVALUATE COMMERCIAL SOLID WASTE FRANCHISE OPPORTUNITIES - COUNCILMEMBER DUNCAN (RECONSIDERED/FURTHER ACTION TAKEN LATER IN THE MEETING)

Councilmember Duncan gave an overview of his report as submitted stating his objective was to turn commercial solid waste over to the private sector, institute a franchise fee, and add some much needed money to the general fund.

Speaking in opposition to the issue were Alex Correa, FCEA representative and on behalf of Local 39; and John Davis, Local 39 business representative.

Councilmember Duncan made a motion to direct staff to evaluate commercial solid waste franchise opportunities and return with a report and recommendation before the end of this calendar year, which motion was seconded and later acted upon.

Continued speakers in opposition were: Barbara Hunt, 2475 S. Walnut; and Jerry Latham, solid waste employee representing 145 unit members.

Councilmember Calhoun, City Manager Hobbs and Deputy Mayor Montero spoke in support of the issue stating Council had a fiduciary responsibility to provide the best service at the best cost, this was about competitive bidding and doing business and the matter should not be personalized, and the City needed to investigate any way to do things better and more efficient.

Extensive discussion ensued with Pubic Utilities Director McIntyre, Edgar Evan, representing California Refuse Council, and Mr. Hobbs clarifying issues and/or responding to questions and/or comments of Councilmembers Boyajian, Castillo, Quintero and President Perea relative to what the commercial operation entailed, number of current employees/jobs that would be impacted, if Fresno had not expanded its force in the commercial operation, what opportunities the private sector was looking for, if other cities provided both residential and commercial operations, amount of franchise fees, ability to use the fees to fund neighborhoods, Acting President Castillo commenting on the city's past unsuccessful privatization attempt and cost for deployment of the 3-bin program, if any new drivers had been hired since the city took over Calwa and Pinedale pickups, why some drivers were having to work overtime, if the City had a shortage of drivers, if commercial subsidized residential, Councilmember Quintero stating problems started when the City took over Calwa and Pinedale (**5 - 0**), who picked up in industrial parks, ability of employees to compete with anyone, if staff had conducted an analysis on the \$2 million number submitted by Councilmember Duncan, if staff had conducted on their own any analysis on efficiencies/savings that could be generated by the department, clarification

it was taking a Councilmember to give the city direction on things it should be doing anyway, past Council opposition at looking at managed competition or privatization, the issue being put in a political context and merits getting lost, staff's support for looking into managed competition proposals, if staff had received a response on the validity of franchise fees, how fees would be collected from users, if the prior contracts for Calwa/Pinedale were efficient or if they cost the City more money, need for staff to conduct a numbers analysis, and suggestion of President Perea to engage in public/private partnership/discussions with the unions and employees on how they can find efficiencies.

A motion of Councilmember Duncan, seconded by Councilmember Calhoun, to direct staff to evaluate commercial solid waste franchise opportunities and return with a report and recommendation before the end of the calendar year failed, by the following tie vote:

Ayes	:	Boyajian, Calhoun, Duncan
Noes	:	Castillo. Quintero, Perea
Absent	:	Ronquillo

President Perea made a motion, which was seconded by Acting President Castillo, that the City immediately engage in joint City/Union/Management Team discussions to look for opportunities to save money within the department, with discussion ensuing on the appropriateness of the motion due to current negotiations, city attorney recommendation to place the motion on a future agenda as it was different from the agenda item, clarification that the \$2 million figure would result from franchise fees and not efficiencies, solid waste fees and rate increases, and the issue being about new revenue streams and analyzing the proposal with the intent to find additional money for neighborhoods.

President Perea withdrew his motion and stated he would work with the city attorney on an item giving direction to staff. (**Reconsidered again later in the meeting*)

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(10:30 A.M. #2) DIRECT STAFF TO REQUEST BIDS FROM PRIVATE CONTRACTORS TO MAINTAIN SELMA LAYNE PARK FOR A PERIOD OF UP TO FIVE YEARS - COUNCILMEMBER DUNCAN

Councilmember Duncan stated he was asking for reconsideration with the change that any savings go to the general fund for neighborhoods and other important issues instead of to the zoo, which motion was seconded by Councilmember Calhoun who stated he was supportive as it would explore how to do the job better and would show what other bidders could do.

Discussion ensued with Parks and Recreation Director Primavera, Councilmember Duncan and City Manager Hobbs responding to questions of Councilmember Boyajian, President Perea and Acting President Castillo relative to whether any employees would be impacted, if savings going into Parks for recreation employees had been considered, clarification that general fund dollars can go anywhere Council directs, if staff reviewed the numbers presented, what staff's analysis entailed, if action being requested this date was necessary since staff was already conducting an analysis, and Acting President Castillo stating he wanted to see a 5-year contract.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, staff directed to request bids from private contractors to maintain Selma Layne Park for a period of up to five years, by the

following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Perea
Noes	:	Quintero
Absent	:	Ronquillo

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(10:45 A.M.) AWARD A CONTRACT FOR CONSTRUCTION OF THE NORTH AVENUE TRUNK SEWER PHASES I AND II

Purchasing Manager Taggart reviewed the issue as contained in the staff report as submitted at length **(6 - 0)**.

Speaking in opposition to staff's recommendation were: Greg Striker, Floyd Johnson Construction, 5431 E. Hedges; and William Bowker, Northern California Laborers, 620 SunBeam Avenue, Sacramento, CA

Neil O'Donnell, Esq., 311 California Street, S.F., representing Kenko, spoke in support of staff's recommendation.

A motion and second to reject all bids and rebid the project was made and acted upon after brief discussion with Councilmember Calhoun speaking in support of the motion and Assistant Public Works Director Holmes and Ms. Taggart responding to questions of Councilmember Quintero and President Perea relative to when the issue would be back for award, if there were any time sensitive or weather issues to be concerned about, if weather problems would result in additional costs, and why the cured-in-place pipe method could not be used with this project.

On motion of Acting President Castillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, all bids rejected and the project to be rebid, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Perea
Noes	:	Quintero
Absent	:	Ronquillo

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LUNCH RECESS - 12:49 P.M. - 2:06 P.M.

(9:30 A.M.) CONTINUED FROM EARLIER - AWARD CONTRACT FOR THE FRESNO YOSEMITE INTERNATIONAL AIRPORT FOOD AND BEVERAGE CONCESSIONS, NEWS/GIFT/RETAIL CONCESSIONS (REQUEST FOR PROPOSALS (RFP) RELEASED 4/16/02)

Interim Director of Transportation Esquivel advised the proposers were willing to modify the contract to strengthen the language relative to considering local suppliers/vendors; relative to DBE's stated the issue was clear due to language in the contract on compliance and State and Federal law; and relative to employee retention advised their position had not changed and reiterated they were willing to interview existing employees and explained.

of Councilmember Boyajian, Calhoun, Castillo and President Perea relative to FAA prohibiting incentives for local vendors, legality of providing incentives, the proposers agreeing to language on local preference, staff providing a report to Council in six months on use of local vendors based on contract language to determine good faith and best efforts, it being in the best interest of the companies to look at and use current employees and local vendors, recourse if locals are not used, if the city attorney was familiar with the agreement, terms of the agreements, employment and local vendors not legally allowed in contracts, and verbal expressions of the concessionaires.

On motion of Councilmember Boyajian, seconded by Councilmember Duncan, duly carried, RESOLVED, reconsideration of earlier action hereby approved; a contract to provide Food and Beverage Services for FYI awarded to Anton Airfood, and a contract to provide Gift and News Services awarded to Hudson News with the understanding that the concessionaires will consider local vendors; and the Airports Director to report back in 6 months on the progress of the utilization of local vendors and number of current employees hired, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero, Perea
Noes	:	Castillo
Absent	:	Ronquillo

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(2:15 P.M.) CONTESTED CONSENT CALENDAR ITEMS:

(1-A) REJECT ALL BIDS FOR REHABILITATION OF THE WASTEWATER COLLECTION SYSTEM BY METHOD OF C-I-P PIPE (SOUTH CHESTNUT AVENUE TRUNK LINE)

President Perea stated his questions had been answered and made a motion to approve staff's recommendation.

On motion of President Perea, seconded by Councilmember Calhoun, duly carried, RESOLVED, all bids rejected for rehabilitation of the wastewater collection system by method of C-I-P pipe because of deficient language in the specifications concerning the process for "approved equals" for the protective coating system for concrete manholes, and staff directed to revise the specifications and rebid the project, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

(1-E) * RESOLUTION NO. 2002-230 - CONCERNING LOCAL TRANSPORTATION PURPOSE FUNDS - MEASURE "C"

President Perea requested the money difference be placed into a reserve to assist in the budget process with City Manager Hobbs advising the Mayor was aware of the issue and was planning to make a proposal to Council on the use of the additional monies.

President Perea made a motion to adopt the resolution with any additional dollars going towards balancing the budget, which motion died for lack of a second.

above entitled Resolution No. 2002-230 hereby adopted and the City Manager authorized to execute the Local Transportation Purposes Certification and Claim form, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

(1-B) AWARD A CONTRACT FOR SOLID WASTE REFRIGERATOR MAGNETS TO PROMOTE THE CITY'S RECYCLING PROGRAM (* NOTE - ACTION TAKEN LATER IN THE MEETING TO REJECT ALL BIDS)

Referencing the economic problems facing the city Councilmember Boyajian questioned the funding source, if there were alternative ways of educating customers such as neighborhood meetings, and how the magnets would make a difference, with Public Utilities Director McIntyre and City Manager Hobbs clarifying issues and responding to questions **(7 - 0)**. Councilmembers Calhoun and Duncan spoke in support of the issue and a motion and second was made to approve staff's recommendation.

Mr. McIntyre and Controller Quinto responded to questions, comments and/or concerns of Councilmembers Quintero, Boyajian, Castillo and President Perea relative to whether the funds were part of a grant, how the magnets would be distributed, if renters would be included, status of Corcoran's successful program dealing with contaminators, process for 1st, 2nd and 3rd time violators, concern with amount of time taken to deal with the issue when staff was aware of Corcoran's success one year ago, the education process taking years, process of tagging contaminated bins, giving people the option to be educated, if the funds had always been earmarked for the magnets, funding source, President Perea speaking to the need to re-prioritize monies noting the total line item was \$44,500, the funds having no bearing on next year's coverage test, amount of money spent on contamination, inability to apply this expenditure to the rate coverage test for FY 2003, and if unexpended dollars were rolled over from one fiscal year to the next.

A motion of Councilmember Duncan, seconded by Councilmember Calhoun, to award a contract in the amount of \$36,003.28 to Relizon for educational solid waste refrigerator magnets failed, by the following vote:

Ayes	:	Calhoun, Duncan
Noes	:	Boyajian, Castillo, Quintero, Perea
Absent	:	Ronquillo

Acting President Castillo requested staff report back on the city of Corcoran's recycling program within 45 days.

(1-G) RESOLUTION NO. 2002-231 - APPROVING FINAL MAP OF TRACT NO. 5051 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PROPERTY LOCATED ON THE WEST SIDE OF N. POLK BETWEEN W. OLIVE AND W. MCKINLEY AVENUES

1. * RESOLUTION NO. 2002-232 - 106TH AMENDMENT TO AAR 01-200 APPROPRIATING \$55,500 FOR RIGHT-OF-WAY PURCHASE ON TRACT NO. 5051 (ALONG W. FLORADORA AND OLIVE AVENUES)

Transportation Manager Madewell and an unidentified staff member responded to issues raised by Mr. Simonian; advised no official plan had been done for Polk Avenue; noted staff's recommendation was still to split the right of way into equal parts; advised of staff's concern with Mr. Simonian's request relative to shifting the roadway; and advised of staff's meeting with Mr. Simonian relative to his concerns.

Speaking to the issue were David Simonian, who spoke to the need for an OPL, past Council direction for one, and to the \$55,000 to acquire property; Gary Giannetta, Project Engineer, representing the applicant, support for staff recommendation; and Bill Hanner, Donald Dick Air Conditioning, support for staff's recommendation.

Assistant Public Works Director Holmes responded briefly to questions of Acting President Castillo relative to whether the purchase of Floradora had ever been discussed with Mr. Simonian.

On motion of Acting President Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution Nos. 2002-231 and 2002-232 hereby adopted; the Public Works Director authorized to execute the Subdivision Agreement, Statement of Covenants Affecting Land Development for Landscape Maintenance, and Statement of Covenants Affecting Land Development for two (2) temporary drainage facilities; and the Planning/Development Director authorized to execute the Statement of Covenants Affecting Land Development Deferring Certain Sewer Connection Charges, Water Connection Charges, Urban Growth Management Fees and Development Fees to the time of issuance of Certificate of Occupancy and Creation of Lien, and the Statement of Covenants for Planting and Maintaining Front Yard Trees, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

(1-L) APPROVE LEASE OF 1.6 ACRES OF LAND AT GOLDEN STATE BOULEVARD AND HERNDON AVENUE TO LISA O. MONACO

Councilmember Calhoun commented on the proposed use, requested assurance that the city-owned land would be attractive, and questioned if all zoning requirements had been met, with Ray Salazar, representing the applicant, and Assistant Public Works Director Holmes responding to questions, reviewing the project, and displaying a photograph of the site and proposed project to illustrate. A motion and second was made to approve staff's recommendation. Mr. Holmes and City Manager Hobbs responded briefly to questions of President Perea relative to rent revenues and if they could be included to fill the budget gap.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the Lease Agreement by and between the City of Fresno and Lisa O. Monaco hereby approved, and the Public Works Director authorized to execute the agreement on behalf of the City, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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(2:00 P.M. #2) CONTINUED JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council and Redevelopment Agency reconvened in joint session at the hour of 3:10 p.m.

(“A”) CONSIDER APPROVAL OF A POCKET PARK DEMONSTRATION PROJECT IN THE SOUTHWEST FRESNO REDEVELOPMENT PROJECT AREA AND APPROVE A RESOLUTION TRANSFERRING FUNDS FROM FISCAL YEAR 2002 PARKS AND RECREATION DEPARTMENT CONTINGENCY LINE ITEM TO PARKS AND RECREATION DEPARTMENT SPECIAL PROJECTS LINE ITEM (JOINT ACTION)

1. * RESOLUTION NO. 2002-233 - 109TH AMENDMENT TO AAR 2002-200 APPROPRIATING \$100,000 TO FUND THE POCKET PARK DEMONSTRATION PROJECT (COUNCIL ACTION)

Redevelopment Administrator Murphey and Mayor Autry reviewed the issue as contained in the staff report as submitted and requested approval.

Barbara Hunt, 2475 S. Walnut, spoke in opposition.

Councilmember Duncan spoke briefly in support and made a motion to approve staff's recommendation. Acting President Castillo thanked the mayor for his vision to green-up the community but stated he could not support the matter due to the unbalanced budget, with Mayor Autry responding. Councilmember Boyajian spoke in support of the issue **(8 - 0)** and to the continued need for neighborhood funding stressing some of his projects were 3 and 4 years old and still not funded. President Perea commended the Mayor for bringing this forward and relative to comments on the budget stated staff needed to be creative and Council needed their help.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the proposal for a Pocket Park Demonstration Project to be implemented as a pilot program hereby approved, and the above entitled Resolution No. 2002-233 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero, Perea
Noes	:	Castillo
Absent	:	Ronquillo

The joint bodies adjourned their meeting at 3:26 p.m.

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(2:00 P.M. #1) JOINT MEETING WITH THE FRESNO JOINT POWERS FINANCING AUTHORITY (JPFA)

The City Council met in joint session with the Joint Powers Financing Authority at the hour of 3:27 p.m.

(“A”) AUTHORIZING INVESTMENT OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND AND APPROVING A PROMISSORY NOTE TO THE CITY OF FRESNO (JPFA BOARD ACTION)

1. JPFA RESOLUTION NO. 16 - APPROVING A PROMISSORY NOTE TO THE CITY OF FRESNO

2. COUNCIL RESOLUTION NO. 2002-234 - ACCEPTING A PROMISSORY NOTE FROM THE FRESNO JOINT POWERS FINANCING AUTHORITY

Controller Quinto gave a brief overview of issue as contained in the staff report and advised this was a routine year-end item.

Barbara Hunt, 2475 S. Walnut, spoke to the legality of the JPFA.

On motion of Member Duncan, seconded by Member Perea, duly carried, RESOLVED, the above entitled JPFA Resolution No. 16 hereby adopted, by the following vote:

Ayes	:	Duncan, Perea, Autry
Noes	:	None
Absent	:	None

On motion of President Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Council Resolution No. 2002-234 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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The City Council and JPFA adjourned their meeting at 3:33 p.m. and the City Council reconvened in regular session.

(10:30 A.M. #1) RECONSIDERATION - DIRECT STAFF TO EVALUATE COMMERCIAL SOLID WASTE FRANCHISE OPPORTUNITIES - COUNCILMEMBER DUNCAN

On motion of Councilmember Quintero, seconded by Councilmember Duncan, duly carried, RESOLVED, reconsideration of the above issue hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero
Noes	:	Castillo, Perea
Absent	:	Ronquillo

On motion of Councilmember Quintero, seconded by Councilmember Duncan, duly carried, RESOLVED, staff directed to evaluate commercial solid waste franchise opportunities and return with a report and recommendation before the end of the calendar year, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero
Noes	:	Castillo, Perea
Absent	:	Ronquillo

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(2:30 P.M.) CONSIDER REQUEST FOR APPROVAL OF THE TRANSFER OF CONTROL OF CABLE TELEVISION FRANCHISE FROM AT&T BROADBAND TO AT&T/COMCAST

1. RESOLUTION NO. 2002-235 - APPROVING THE CHANGE OF CONTROL FROM AT&T BROADBAND TO AT&T/COMCAST (OPTION "B")

Assistant City Manager Souza reviewed the issue as contained in the staff report as submitted, advised the outstanding issue dealt with the public access channel, and recommended Council approve Option “A”.

Speaking to the issue including the resolution options and/or to the importance and need for a public access channel for community groups were: Kristine Walter, Government Affairs Manager, AT&T Broadband, support for Option “B”; Barbara Hunt, 2475 S. Walnut; Eduardo Stanley, 6059 N. Colonial; Jill Marmolejo, 2309 Tulare, representing the FUSD; Alex Vavoulis, 4902 N. Sequoia #104; and Michael Rhodes, 4773 N. Arthur, Editor, Community Alliance Magazine, support for Option “A”.

Upon the request of President Perea, City Attorney Montoy advised the only issue before Council was the transfer of control and action was needed this date, and gave a brief overview of the options before Council stating they were very similar and that the bottom line was interpretation of the 1986 MOU.

Continued speakers were: Rufus Hernandez, 5140 E. Kings Canyon Road, CEO, American Merchant Marine Veterans; Norm Minson, SPCA, 103 N. Hughes; Cory Scholtes, Area Agency on Aging; Ghassan Abul Ghanam, 815 E. Vermont; Diane Scott, 4843 N. Thesta; Pam Whelan, 1279 N. Wishon; Jeff Eisinger, Fresno County Green Party, 286 N. College, support for Option “A”; Brian Clark, Fresno Falcons **(9 - 0)**; Ed Eames, ADA Advisory Council, 3376 N. Wishon, for Option “A”; Sarah Sharpe, UFW, 827 E. Home; Richard Stone, 181 N. Yosemite, Fresno Center for Non Violence; Steve Thao, for strict guidelines; Gene Richards, 625 W. Lamona; Julius Rasmussen, Jr., 645 Musil #107, Clovis; Rev. Walt Parry, Fresno Metro Ministry, 1055 N. Van Ness, Suite H; Jon Carroll, 1515 Nan Ness; Lorraine Person, 5661 N. Callisch; Ron Cooper, Access Sacramento, 7366 W. Parkway, Sacramento, CA, who submitted written material to Council; Chris Schneider, 2014 Tulare, Executive Director, Central California Legal Services; and Gloria Moralez, 153 N. Effie.

Councilmember Quintero commented briefly on the issue, spoke in support of Option “A” stating he felt the 30 days would be fruitful, and made a motion to approve Option “A” as recommended by staff, which motion was seconded and later acted upon. Ms. Montoy clarified the 30 days was to continue negotiations on the community access level and reiterated the transfer of control was at issue. Mr. Souza added staff was not seeking to negotiate anything new and that the 30 days was being requested to reach compliance with the MOU.

Extensive discussion ensued with Ms. Montoy, Deputy City Attorney Coyle, Ms. Walter, Mr. Souza and City Manager Hobbs clarifying issues and/or responding to questions/comments of Councilmembers Quintero and Boyajian, President Perea, and Councilmembers Duncan and Castillo relative to whether the city attorney had been involved in discussions with AT&T and request for the city attorney’s office to be involved, how the City could place a condition when Federal law prohibited it, if Option “A” created a legal jeopardy, the MOU, Councilmember Boyajian stressing the law was clear that the transfer could not be conditioned, if Option “A” created a little greater liability than “B”, if AT&T would waive the right to litigation if Option “B” were approved (with Ms. Walter responding affirmatively), if AT&T had been requested to televise this portion of the meeting, Portland and Seattle’s community programming, Councilmember Duncan speaking in support of making city government more accessible and expressing his disappointment with AT&T’s seemingly lack of willingness and wanting to be a partner with the city and with their comment that the MOU was irrelevant and moot **(10 - 0)** (with Ms. Walter refuting comments and advising of their offers of assistance to the City), Mr. Souza clarifying (1) the significant cost issue had not been discussed, (2) the

issue was whether AT&T was in compliance with the MOU and that staff had serious concerns relative to the level of programming required, and (3) that staff was not supportive of Option “B” and requested, if Council did not want to go with recommended Option “A”, to go with Option “C” and explained, if the City asked AT&T in October 2001 for some additional programming, when the current contract would expire, if it was possible agreement would not be reached, if letting the contract expire and getting another company had been considered, if the agreement was exclusive with the City and if the County had a different agreement, if there had been a prior issue with cable access and franchise fees, what the consequence would be if no agreement was reached, if the County was negotiating their agreement, what the difference was between the City’s and County’s agreements and if the City was “asking for the moon”, if Clovis and the County receive additional benefits other than what was asked for, if city employee Randy Reed, who previously worked for AT&T, gave the City an advantage over the County and Clovis, Mr. Hobbs stating (1) this had nothing to do with Mr. Reed, (2) clarified it was his direction to aggressively pursue the issue based on his experience in other cities, and (3) that AT&T was the most unresponsive of the cable companies he had seen in the cities he had worked with, President Perea noting his recollection when Mr. Reed was brought in (and a selling point to Council) was his ability to get the City to the point of bringing on its own station (with Mr. Hobbs responding), if Option “B”/Section 7 defined the validity of the MOU, if an AT&T representative said the MOU was irrelevant and moot, Ms. Walter stating AT&T felt they were in compliance with the MOU, if staff felt agreement was close on the access channel issue, perception that staff was trying to tie the access channel issue to the transfer, Councilmember Boyajian expressing the need to re-negotiate the agreement if the City was unhappy since the City did agree to it, staff’s desire to bring in an outside consultant, Mr. Souza advising 24 public access programs were aired in 1986 and five were aired this date and reiterated staff had serious concerns with compliance, Ms. Walter submitting a copy of a March 1986 staff report relative to AT&T staffing and community access programs, and basis for the Santa Cruz lawsuit.

President Perea stated there was a lot of respect for AT&T and for what they did and to AT&T officials stated not everyone shared the same thoughts expressed this date on AT&T as a corporate partner.

A motion of Councilmember Quintero, seconded by Councilmember Calhoun, to adopt the Option “A” resolution expressly acknowledging the Franchisee’s obligations to comply fully with the terms of the current Franchise, including a 1986 MOU relating to the Franchisee’s obligation to provide Fresno-based local programming on the cable system and establishing a 30-day time frame for reaching consensus regarding its implementation failed, by the following vote:

Ayes	:	Calhoun, Duncan, Quintero
Noes	:	Boyajian, Castillo, Perea
Absent	:	Ronquillo

A motion of President Perea, seconded by Acting President Castillo, to adopt the Option “B” resolution acknowledging the Franchisee’s obligations to comply with the terms of the current Franchise, including the 1986 MOU, with the Franchisee continuing to provide the same level of programming services to the City that it is currently providing failed, by the following vote:

Ayes	:	Boyajian, Castillo, Perea
Noes	:	Calhoun, Duncan, Quintero
Absent	:	Ronquillo

Councilmember Duncan made a motion to approve Option “C”. Upon question of President Perea, Ms. Montoy stated the transfer application would be deemed approved without conditions if the issue remained deadlocked. Upon call, Councilmember Duncan’s motion died due to lack of a second. Noting staff was recommending Option “A” or nothing Ms. Montoy encouraged Council to adopt Option “B” and explained.

On motion of Councilmember Calhoun, seconded by President Perea, duly carried, RESOLVED, the above entitled Resolution No. 2002-235/Option “B” acknowledging the Franchisee’s obligations to comply with the terms of the current Franchise, including the 1986 MOU, and continuing to provide the same level of programming services to the City that it is currently providing hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea
Noes	:	Duncan, Quintero
Absent	:	Ronquillo

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RECESS - 5:29 P.M. - 5:50 P.M.

CLOSED SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:

1. KEVIN HAM V. COF CIVIL SERVICE BOARD; CITY OF FRESNO, REAL PROPERTY IN INTEREST
2. VICTORIA HERNANDEZ, ET AL. V. CITY OF FRESNO, ET AL.

(B) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATIONS:

1. AMALGAMATED TRANSIT UNION, LOCAL 1027 (ATU)
2. INTERNATIONAL UNION OF OPERATING ENGINEERS/STATIONARY ENGINEERS LOCAL 39 (LOCAL 39)

(C) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - SIGNIFICANT EXPOSURE TO LITIGATION: PATRIOT HOMES FRESNO V. CITY OF FRESNO; PATRIOT HOMES FRESNO II V. CITY OF FRESNO

The City Council met in closed session in Room 2125 at the hour of 5:50 p.m. to consider the above issues and reconvened in regular open session at 6:53 p.m.

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(3-A) UPDATE ON URBAN GROWTH MANAGEMENT (UGM) PROGRAM FOR FIRE STATIONS IN SOUTHEAST FRESNO

Laid over to July 16, 2002.

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(3:30 P.M. #1) CONSIDERATION AND ACTION ON DOWNTOWN PARKING ISSUES

1. * BILL NO. B-37 - (*FOR INTRODUCTION*) AMENDING THE FRESNO MUNICIPAL CODE SECTION 10-1404 RELATING TO PARKING METER ZONES AND HOURS OF OPERATIONS

2. AUTHORIZATION TO INSTALL METERS IN THE MALL SPECIFIC AREA

3. * RESOLUTION NO. 2002-236 - ADOPTING THE MALL SPECIFIC (FULTON MALL) AND NON-MALL SPECIFIC PARKING METER ZONES, AND AMENDING MFS. RES. 80-420 ESTABLISHING C-1 PARKING METER OPERATIONAL HOURS, C-2 PARKING GARAGE AND LOT OPERATIONAL HOURS, C-3 PARKING GARAGE AND LOT USE FOR SPECIAL EVENTS, C-4 PARKING METER RATES (WEST FRESNO DISTRICT), C-5 PARKING GARAGE AND LOT RATES, C-6 PARKING GARAGE AND LOT MONTHLY PERMIT RATES, AND C-7 PARKING GARAGE AND LOT VALIDATION RATES

4. RESPONSE TO CONCERNS REGARDING DOWNTOWN PARKING ISSUES

5. PARKING ON PRIVATE LOTS, IMPROVED AND UNIMPROVED LOTS, AND STATUS OF ENFORCEMENT

Transportation Manager Madewell made clarifications to Exhibits B-1, C-3 and C-6, and reviewed the five matters for Council's consideration along with associated issues, recommendations and actions being requested, all as contained in the staff report as submitted, using maps to illustrate.

Speaking to the issue and expressing concerns and/or opposition to the proposal were: William Patnaude, 1050 "S" Street, representing the Downtown Club; Kendall Simsarian, 1060 Fulton Mall, President, Board of Directors, Downtown Association (**11 - 0**); Elena Ochoa, 1039 Fulton Mall; John Kim, 835 Fulton Mall, Downtown Beauty Supply; Leon Green, 887 Fulton Mall; and Norman Pimentel, 1900 N. Echo, on behalf of Acapulco Jewelry.

Upon question of Councilmember Duncan, Mr. Madewell confirmed a parking garage was located near the Downtown Club that allowed for long-term or validation parking for Downtown Club events. Councilmember Duncan reiterated the City's goal was to get event parking off the streets and leave the 2-hour meters for merchant customers, stated he felt the various needs had been addressed and spoke in support of the proposal stating staff did a good job of balancing all the needs and explained, and made a motion to approve staff's recommendation on Numbers 1, 2 & 3 above, which motion was seconded and later acted upon.

Extensive discussion ensued with Dale Eastbrook, Mr. Madewell, City Manager Hobbs, an unidentified police officer, Mr. Patnaude, Ms. Ochoa, Mr. Simsarian and Public Works Director Williamson clarifying issues and/or responding to questions of Councilmembers Boyajian, Quintero and President Perea relative to San Francisco's downtown parking plan and if Fresno considered any of it, the city manager stating this was a good generic program and could be fine-tuned down the road, continued questioning relative to private lots, illegal parking, ticketing process, monthly parking fees and if they would be incrementally increased, need for mall merchants to be further educated, number of parking spaces the Downtown Club had, if Ms. Ochoa's concerns had been addressed, if the Downtown Association talked with staff, if Mecca Billiards and Masten Towers issues had been dealt with, cost benefit of purchasing the meters being recommended versus income that will be generated, event parking and times, parking enforcement on non-stadium/convention center event days, additional staffing that will be needed with the changes, why 7-day enforcement was being recommended when the number of stadium/convention center events could be predicted, cost for implementation including equipment, the Ampco contract, capturing a greater share of RDA dollars to offset the debt, total number of stalls in the lots managed by Ampco (**12 - 0**) and if there was any leakage, status of the juror parking issue, and if there were any plans to work with the Downtown Association on an aggressive marketing plan to recapture lost customers.

Councilmember Calhoun commended staff on the plan and stated although it would never be perfect it was a good one, the rates were still below other cities, and it was time to move forward.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Bill No. B-37 introduced before the Council and laid over; staff authorized to install meters in the Mall Specific Area, and the above entitled Resolution No. 2002-236 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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(5-A) DIRECT STAFF TO SOLICIT PROPOSALS FOR A SOLID WASTE TRANSFER STATION WITH A RECOMMENDATION TO COUNCIL WITHIN 30 WORKING DAYS - COUNCILMEMBER RONQUILLO AND PRESIDENT PEREA

Laid over to July 16, 2002.

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(3:30 P.M. #2) RESOLUTION NO. 2002-237 - AUTHORIZING THE PURCHASE OF POM BRAND ELECTRONIC PARKING METERS AND CONVERSION KITS BY THE STREETS MAINTENANCE DIVISION WITHOUT ADVERTISED COMPETITIVE BIDDING UNDER THE SOLE SOURCE EXCEPTION

A motion and second to approve staff's recommendation was made and acted upon after brief discussion with Purchasing Manager Taggart and Streets Manager Momen responding to questions of Councilmember Calhoun relative to how staff was sure the city was getting a fair price, how the price was determined, number of similar meters that were looked at, cost difference with non-electronic meters, and concern with being charged any price in the future should the need arise to purchase additional meters.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2002-237 authorizing the acquisition of 600 new electronic parking meters, 160 card readers and 200 electronic conversion kits for existing mechanical parking meters from POM Inc., of Arkansas as a sole source without competitive bidding and approving a replacement program for all the remaining mechanical meters to electronic meters over the next three years hereby adopted; and conversion of the remaining 1,600 mechanical meters to electronic meters through POM brand conversion kits over the next three years hereby approved, subject to appropriation of funds, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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(3:10 P.M.) REPORT ON PROPOSED INFORMATION SERVICES DEPARTMENT REORGANIZATION PLAN AS REQUIRED BY COUNCIL AND RECOMMENDED BY THE MACIAS REPORT AND ASC REPORT - COUNCILMEMBER QUINTERO

Councilmember Quintero stated he scheduled the issue this date as the elimination of the temporary positions was called for by July 1st and Council would not be meeting again until July 16th.

City Manager Hobbs stated staff had its chance to explain the issue during budget hearings, noted Council said “no” on the contingency and as far as he was concerned the answer was still “no”, and referenced Interim CIO Carlton’s June 6th memo to the Council Budget Committee on the plan and clarified issues. Councilmember Calhoun stated he was strongly opposed to having another presentation on the same subject at this time concurring Council already heard the issue during budget and requested a vote be held to determine if Council wanted to hear this again. Brief discussion ensued and by Council consensus the matter continued as scheduled.

Interim CIO Carlton clarified a couple of issues relative to the plan, apologized if any Council members felt they were being backed into a corner to make a decision stating it was not her intent and she did not operate that way, and gave a power point presentation on the reorganization plan.

Speaking further to the issue and/or clarifying issues were: Michael Bonner, ISD Programmer Analyst; and Brian Webster, 5576 W. Pinedale, former ISD/current public works employee. Mr. Hobbs clarified Ms. Carlton was the authorized speaker on the issue and the other speakers did not represent staff positions on the matter. Karrie Alverson also spoke briefly to the issue.

Ms. Carlton and Mr. Hobbs responded to questions, comments and/or concerns of Councilmembers Quintero, Calhoun, Castillo and President Perea and/or clarified issues relative to whether the reorganization was to maintain current service delivery, impacts without the reorganization, how soon a new director would be hired, Councilmember Calhoun stating Council was a policy-making body and this was an improper forum to hear individual issues, right of employees to be heard, perception on the use of the \$444,100 during the original presentation and lack of clarity, Acting President Castillo directing staff to place on the next agenda the issue of returning the \$161,330 for the five computer system technician positions, if the \$161,330 had already been budgeted, if the five positions currently existed, if FY 2002 dollars were included in the equation, and clarification/spirit of the Charter relative to employees visiting Council and Council members welcoming employees “at any time”.

Acting President Castillo’s item relative to returning the \$166,330 was scheduled to be brought back with the other remaining budget issues and there was no further discussion.

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UNSCHEDULED ORAL COMMUNICATIONS:

APPEARANCE BY NORMAN PIMENTEL RELATIVE TO HIS TENANT’S POWER BEING TURNED OFF, CODE ENFORCEMENT AND AN INSTALLATION OF AN ILLEGAL FENCE

Appearance made and staff to meet with Mr. Pimentel on his concerns and issues.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 8:45 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

APPROVED on the 16th day of July, 2002.

Henry Perea, Council President

ATTEST: Yolanda Salazar, Assistant City Clerk

139-356

6/25/02